

## JOINT COMMITTEE REPORT

With reference to former section 137a of this title, the Joint Committee on the Library, in an official report March 3, 1897 (54th Cong., 2d Sess., Senate Report 1573) declared:

“Heretofore the Joint Committee on the Library has had authority to approve such rules and regulations as have been made by the Librarian of Congress, but the provision of law under which the Joint Committee has hitherto passed upon said rules and regulations would appear to be repealed by the more recent act (section 136 of this title) which places this power in the hands of the Librarian of Congress.”

### § 137c. Withdrawal of books from Library of Congress

The chief judge and associate judges of the United States Court of Appeals for the District of Columbia and the chief judge and associate judges of the United States District Court for the District of Columbia are authorized to use and take books from the Library of Congress in the same manner and subject to the same regulations as justices of the Supreme Court of the United States.

(Joint Res. No. 9, Jan. 27, 1894, 28 Stat. 577; June 7, 1934, ch. 426, 48 Stat. 926; June 25, 1936, ch. 804, 49 Stat. 1921; June 25, 1948, ch. 646, § 32(a), (b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

## CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, as amended by act May 24, 1949, substituted “United States District Court for the District of Columbia” for “District Court of the United States for the District of Columbia”, “chief judge” for “chief justice” and “associate judges” for “associate justices” wherever appearing.

Act June 25, 1936, substituted “District Court of the United States for the said District” for “Supreme Court for the said District”.

Act June 7, 1934, substituted “United States Court of Appeals for the District of Columbia” for “Court of Appeals of the District of Columbia”.

### § 138. Law library; hours kept open

The law library shall be kept open every day so long as either House of Congress is in session.

(July 11, 1888, ch. 615, § 1, 25 Stat. 262.)

### § 139. Omitted

## CODIFICATION

Section, acts Feb. 19, 1897, ch. 265, § 1, 29 Stat. 546; Pub. L. 94-273, § 30, Apr. 21, 1976, 90 Stat. 380, which required the Librarian of Congress to make an annual report to Congress on the affairs of the Library, including copyright business and a detailed statement of receipts and expenditures, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 10 of House Document No. 103-7.

### § 140. Employees; fitness

All persons employed in and about said Library of Congress under the Librarian shall be appointed solely with reference to their fitness for their particular duties.

(Feb. 19, 1897, ch. 265, § 1, 29 Stat. 545; June 29, 1922, ch. 251, § 1, 42 Stat. 715.)

## CODIFICATION

Act June 29, 1922, § 1, cited as a credit to this section, which transferred duties of the Superintendent of the

Library Building and Grounds to the Architect of the Capitol and the Librarian of Congress and provided for appointment of employees, was amended generally by Pub. L. 108-7, div. H, title I, § 1208(a), Feb. 20, 2003, 117 Stat. 375, and no longer relates to this subject matter.

### § 141. Allocation of responsibilities for Library buildings and grounds

#### (a) Architect of the Capitol

##### (1) In general

The Architect of the Capitol shall have charge of all work at the Library of Congress buildings and grounds (as defined in section 167j of this title) that affects—

(A) the structural integrity of the buildings;

(B) buildings systems, including mechanical, electrical, plumbing, and elevators;

(C) the architectural features of the buildings;

(D) compliance with building and fire codes, laws, and regulations with respect to the specific responsibilities set for<sup>1</sup> under this paragraph;

(E) the care and maintenance of Library grounds; and

(F) purchase of all equipment necessary to fulfill the responsibilities set forth under this paragraph.

##### (2) Employees

The employees required for the performance of the duties under paragraph (1) shall be appointed by the Architect of the Capitol.

#### (b) Librarian of Congress

The Librarian of Congress shall have charge of all work (other than work under subsection (a) of this section) at the Library of Congress buildings and grounds.

#### (c) Transfer of funds

The Architect of the Capitol and the Librarian of Congress may enter into agreements with each other to perform work under this section, and, subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate and the Joint Committee on the Library, may transfer between themselves appropriations or other available funds to pay the costs therefor.

(June 29, 1922, ch. 251, § 1, 42 Stat. 715; Pub. L. 91-280, June 12, 1970, 84 Stat. 309; Pub. L. 101-520, title II, § 205(b), Nov. 5, 1990, 104 Stat. 2272; Pub. L. 101-562, § 2(a), Nov. 15, 1990, 104 Stat. 2780; Pub. L. 108-7, div. H, title I, § 1208(a), Feb. 20, 2003, 117 Stat. 375.)

## AMENDMENTS

2003—Pub. L. 108-7 inserted section catchline and amended text generally. Prior to amendment, text read as follows: “The Architect of the Capitol shall have charge of all structural work at the Library of Congress buildings and grounds (as defined in section 167j of this title), including all necessary repairs, the operation, maintenance, and repair of the mechanical plant and elevators, the care and maintenance of the grounds, and the purchasing of all equipment other than office equipment. The employees required for the performance of the foregoing duties shall be appointed

<sup>1</sup> So in original. Probably should be “forth”.

by the Architect of the Capitol. All other duties on June 29, 1922, required to be performed by the Superintendent of the Library Building and Grounds shall be performed under the direction of the Librarian of Congress, who shall appoint the employees necessary therefor. The Librarian of Congress shall provide for the purchase and supply of office equipment and furniture for library purposes."

1990—Pub. L. 101-520 and Pub. L. 101-562 made substantively identical amendments, substituting reference to the Library of Congress buildings and grounds (as defined in section 167j of this title) for reference to the Library Building and on the grounds.

1970—Pub. L. 91-280 substituted "purchasing of all equipment other than office equipment" for "purchasing and supplying of all furniture and equipment for the building" in second sentence and inserted sentence at end.

#### EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-7, div. H, title I, § 1208(b), Feb. 20, 2003, 117 Stat. 376, provided that: "The amendments made by this section [amending this section and section 142 of this title] shall apply to fiscal year 2003 and each fiscal year thereafter."

#### EFFECTIVE DATE OF 1990 AMENDMENTS

Amendment by Pub. L. 101-520 and 101-562 effective on date [Nov. 6, 1991] Architect of the Capitol acquires the property and improvements described in Pub. L. 101-520, § 205(a), and Pub. L. 101-562, § 1, see section 205(e) of Pub. L. 101-520 and former section 2(d) of Pub. L. 101-562, set out as a Special Facilities Center; Acquisition note below.

#### ACQUISITION OF REAL PROPERTY FOR LIBRARY OF CONGRESS

Pub. L. 105-144, Dec. 15, 1997, 111 Stat. 2667, as amended by Pub. L. 106-554, § 1(a)(2) [title II, § 207], Dec. 21, 2000, 114 Stat. 2763, 2763A-114; Pub. L. 108-83, title I, § 1203(a), Sept. 30, 2003, 117 Stat. 1031, provided that:

#### "SECTION 1. ACQUISITION OF FACILITY IN CULPEPER, VIRGINIA.

"(a) ACQUISITION.—The Architect of the Capitol may acquire on behalf of the United States Government by transfer of title, without reimbursement or transfer of funds, the following property:

"(1) Three parcels totaling approximately 45 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51-80B, 51-80C, and 51-80D, further described as real estate (consisting of 40.949 acres) conveyed to David and Lucile Packard Foundation by deed from Federal Reserve Bank of Richmond, dated May 15, 1998, and recorded May 19, 1998, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 644, page 372; and real estate (consisting of 4.181 acres) conveyed to Packard Humanities Institute by deed from Russell H. Inskeep, dated February 13, 2002, and recorded February 13, 2002, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, as instrument number 020001299.

"(2) Improvements to such real property.

"(b) USES.—Effective on the date on which the Architect of the Capitol acquires the property under subsection (a), such property shall be available to the Librarian of Congress for use as a national audiovisual conservation center.

"(c) TRANSFER PAYMENT BY ARCHITECT.—Notwithstanding the limitation on reimbursement or transfer of funds under subsection (a) of this section, the Architect of the Capitol may, not later than 90 days after acquisition of the property under this section, transfer funds to the entity from which the property was acquired by the Architect of the Capitol. Such transfers may not exceed a total of \$16,500,000.

#### "SEC. 2. LIBRARY BUILDINGS AND GROUNDS.

"[Amended section 167j of this title.]

#### "SEC. 3. ACCEPTANCE OF TRANSFERRED GIFTS OR TRUST FUNDS.

"Gifts or trust funds given to the Library or the Library of Congress Trust Fund Board for the structural and mechanical work and refurbishment of Library buildings and grounds specified in section 1 shall be transferred to the Architect of the Capitol to be spent in accordance with the provisions of the first section of the Act of June 29, 1922 (2 U.S.C. 141).

#### "SEC. 4. FUND FOR TRANSFERRED FUNDS.

"There is established in the Treasury of the United States a fund consisting of those gifts or trust funds transferred to the Architect of the Capitol under section 3. Upon prior approval of the Committee on House Oversight [now Committee on House Administration] of the House of Representatives and Committee on Rules and Administration of the Senate, amounts in the fund shall be available to the Architect of the Capitol, subject to appropriation, to remain available until expended, for the structural and mechanical work and refurbishment of Library buildings and grounds. Such funds shall be available for expenditure in fiscal year 1998, subject to the prior approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

#### "SEC. 5. EFFECTIVE DATE.

"(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act shall take effect on the date of the enactment of this Act [Dec. 15, 1997].

"(b) SPECIAL RULE FOR INCLUSION OF PROPERTY WITHIN LIBRARY BUILDINGS AND GROUNDS.—The amendment made by section 2 shall take effect upon the acquisition by the Architect of the Capitol of the property described in section 1."

#### TRANSFER OF PROPERTY BY SECRETARY OF ARMY TO PROVIDE FACILITIES TO ACCOMMODATE LONG-TERM STORAGE AND SERVICE NEEDS

Pub. L. 103-110, § 122, Oct. 21, 1993, 107 Stat. 1043, provided that:

"(a) Notwithstanding any other provision of law, the Secretary of the Army shall transfer, no later than September 30, 1994, without reimbursement or transfer of funds, to the Architect of the Capitol, a portion of the real property, including improvements thereon, consisting of not more than 100 acres located at Fort George G. Meade in Anne Arundel County, Maryland, as determined under subsection (c).

"(b) The Architect of the Capitol shall, upon completion of the survey performed pursuant to subsection (c) and the transfer effected pursuant to subsection (a), utilize the transferred property to provide facilities to accommodate the varied long-term storage and service needs of the Library of Congress and other Legislative Branch agencies.

"(c) The exact acreage and legal description of the property to be transferred under this section shall be determined by a survey satisfactory to the Architect of the Capitol and the Secretary of the Army, and in consultation with officials of Anne Arundel County, Maryland.

"(d) Any real property and improvements thereon transferred pursuant to this section shall be under the jurisdiction of the Architect of the Capitol, subject to the rules and regulations providing for the use of such property as may be approved by the House Office Building Commission and the Senate Committee on Rules and Administration: *Provided*, That any existing improvements made available by the Architect to the Librarian of Congress, under the direction of the Joint Committee on the Library, or hereafter erected upon such real property pursuant to law for the purposes of providing for the long-term storage and service needs of the Library of Congress shall be subject to the provisions of sections 136, 141 and 167 to 167j of title 2, United States Code.

"(e) Portions of the real property and any improvements thereon transferred pursuant to this section that

are not determined to be immediately required for storage or service needs by the Architect are authorized to be leased temporarily to the Secretary of the Army: *Provided*, That nominal lease payments made by the Secretary of the Army shall be credited to the appropriation 'Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care, No Year'.

"(f) There are authorized to be appropriated to the Architect of the Capitol such sums as may be necessary to carry out the provisions of this section."

#### SPECIAL FACILITIES CENTER; TEMPORARY RESTRICTION ON EVENING USE

Pub. L. 102-451, § 4, Oct. 23, 1992, 106 Stat. 2253, provided that: "No evening meetings may be held at the Library of Congress Special Facilities Center until an on-site parking plan for the property is approved by the Joint Committee on the Library."

#### SPECIAL FACILITIES CENTER; ACQUISITION

Section 205 of Pub. L. 101-520, as amended by Pub. L. 102-451, §§ 1-3, Oct. 23, 1992, 106 Stat. 2253, provided that:

"(a) The Architect of the Capitol may acquire on behalf of the United States Government by purchase, condemnation, transfer, or otherwise (1) all publicly or privately owned real property in lot 51 in square 869 in the District of Columbia, as that lot appears on the records in the office of the Surveyor of the District of Columbia on August 1, 1990, extending to the outer face of the curbs of the square in which it is located and including all alleys or parts of alleys and streets within the lot lines and curb lines surrounding such real property, and (2) improvements to such real property. The property acquired under this section shall be known as the 'Library of Congress Special Facilities Center' (hereinafter in this section referred to as the 'Center').

"(b) [Amended section 141 of this title.]

"(c) The property and improvements acquired under subsection (a) shall be repaired and altered, to the maximum extent feasible as determined by the Architect of the Capitol, in compliance with one of the nationally recognized model building codes and with other applicable nationally recognized codes (including electrical codes, fire and life safety codes, plumbing codes, as determined appropriate by the Architect), using the latest edition of the nationally recognized codes referred to in this paragraph.

"(d) [Amended section 167] of this title.]

"(e) Subsections (b) and (c) and the amendment made by subsection (d) shall take effect on the date [Nov. 6, 1991] the Architect of the Capitol acquires the property and improvements described in subsection (a).

"(f) There is authorized to be appropriated to the Architect of the Capitol \$5,000,000 for carrying out the purposes of this section, to remain available until expended.

"(g) Effective on the date [Nov. 6, 1991] on which the Architect of the Capitol acquires the property known as St. Cecilia's School (Lot 51 in square 869) in the District of Columbia, as provided by law, such property shall be available to the Librarian of Congress for use—

"(1) as a day care center for children of employees of the Library of Congress and children of other employees of the legislative branch of the Government;

"(2) for staff training and development for employees of the Library of Congress;

"(3) for external training;

"(4) for general assembly and education programs of the Library;

"(5) for temporary living quarters and common areas for visiting scholars using the collections of the Library or participating in the programs of the Library; and

"(6) for other purposes relating to the operations of the Library of Congress.

Any use of such property shall be subject to approval by the Joint Committee on the Library, the Committee on House Administration of the House of Representa-

tives, and the Committee on Rules and Administration of the Senate.

"(h)(1) The Librarian of Congress—

"(A) may charge fees for use of the Center under paragraphs (3), (4), and (5) of subsection (g); and

"(B) shall deposit the fees in the fund under paragraph (2).

"(2) There is established in the Treasury a fund which shall consist of amounts deposited under paragraph (1) and such other amounts as may be appropriated to the fund. The fund shall be—

"(A) available to the Librarian of Congress, in amounts specified in appropriations Acts, for the expenses of the Center; and

"(B) subject to audit by the Comptroller General at the discretion of the Comptroller General."

Similar provisions were contained in Pub. L. 101-562, §§ 1, 2, 4, Nov. 15, 1990, 104 Stat. 2780, 2781, which was repealed by Pub. L. 102-451, § 5, Oct. 23, 1992, 106 Stat. 2254, eff. Nov. 15, 1990.

#### ADDITIONAL BUILDING FOR LIBRARY OF CONGRESS

Pub. L. 86-469, May 14, 1960, 74 Stat. 132, authorized Architect of the Capitol, under direction and supervision of Joint Committee on the Library, to prepare preliminary plans and estimates of cost for an additional building for Library of Congress.

#### LIBRARY OF CONGRESS THOMAS JEFFERSON BUILDING

Pub. L. 104-208, div. A, title V, § 5402, Sept. 30, 1996, 110 Stat. 3009-511, provided that: "The Founders Hall instructional area in the House of Representatives Page School, located in the Thomas Jefferson Building of the Library of Congress, shall be known and designated as 'Bill Emerson Hall'."

Pub. L. 96-269, § 1, June 13, 1980, 94 Stat. 486, provided: "That the building in the block bounded by East Capitol Street, Second Street Southeast, Independence Avenue Southeast, and First Street Southeast, in the District of Columbia (commonly known as the Library of Congress Building or the Library of Congress Main Building), shall hereafter be known and designated as the 'Library of Congress Thomas Jefferson Building'. Any reference in any law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the Library of Congress Thomas Jefferson Building."

Pub. L. 94-264, Apr. 13, 1976, 90 Stat. 329, which had designated the Library of Congress Annex as the Library of Congress Thomas Jefferson Building, was repealed by Pub. L. 96-269, § 3, June 13, 1980, 94 Stat. 486, as part of the redesignation of that building as the Library of Congress John Adams Building and the designation of the main building of the Library of Congress as the Library of Congress Thomas Jefferson Building.

#### LIBRARY OF CONGRESS JOHN ADAMS BUILDING

Pub. L. 96-269, § 2, June 13, 1980, 94 Stat. 486, provided that: "The building in the block bounded by East Capitol Street, Second Street Southeast, Third Street Southeast, and Pennsylvania Avenue Southeast, in the District of Columbia (commonly known as the Library of Congress Thomas Jefferson Building or the Library of Congress Annex Building), shall hereafter be known and designated as the 'Library of Congress John Adams Building'. Any reference in any law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the Library of Congress John Adams Building."

#### LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

Pub. L. 91-214, § 2, Mar. 16, 1970, 84 Stat. 69, provided that: "Nothing contained in the Act of October 19, 1965 (79 Stat. 986) [set out as a note under this section], shall be construed to authorize the use of the third Library of Congress building authorized by such Act for general office building purposes."

Pub. L. 89-260, Oct. 19, 1965, 79 Stat. 987, as amended by Pub. L. 91-214, §1, Mar. 16, 1970, 84 Stat. 69; Pub. L. 94-219, Feb. 27, 1976, 90 Stat. 194; Pub. L. 95-548, Oct. 30, 1978, 92 Stat. 2064, provided: “That (a) the Architect of the Capitol under the direction jointly of the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library, after consultation with a committee designated by the American Institute of Architects, is authorized and directed to construct (including, but not limited to, the preparation of all necessary designs, plans, and specifications) in square 732 in the District of Columbia a third Library of Congress fireproof building, which shall be known as the Library of Congress James Madison Memorial Building. The design of such building shall include a Madison Memorial Hall and shall be in keeping with the prevailing architecture of the Federal buildings on Capitol Hill. The Madison Memorial Hall shall be developed in consultation with the James Madison Memorial Commission.

“(b) In carrying out his authority under this joint resolution, the Architect of the Capitol, under the direction jointly of the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library, is authorized (1) to provide for such equipment, such connections with the Capitol Power Plant and other utilities, such access facilities over or under public streets, such changes in the present Library of Congress buildings, such changes in or additions to the present tunnels, and such other appurtenant facilities, as may be necessary, and (2) to do such landscaping as may be necessary by reason of the construction authorized by this joint resolution.

“SEC. 2. The structural and mechanical care of the building authorized by this joint resolution and the care of the surrounding grounds shall be under the Architect of the Capitol.

“SEC. 3. There is hereby authorized to be appropriated not to exceed \$130,675,000 to construct the building authorized by this joint resolution (including the preparation of all necessary designs, plans, and specifications).

“There is also authorized to be appropriated not exceeding \$10,000 to pay the expenses of the James Madison Memorial Commission.”

#### **§ 141a. Design, installation, and maintenance of security systems; transfer of responsibility**

The responsibility for design, installation, and maintenance of security systems to protect the physical security of the buildings and grounds of the Library of Congress is transferred from the Architect of the Capitol to the Capitol Police Board. Such design, installation, and maintenance shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 5 of title 41. Any alteration to a structural, mechanical, or architectural feature of the buildings and grounds of the Library of Congress that is required for a security system under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

(Pub. L. 105-277, div. B, title II, Oct. 21, 1998, 112 Stat. 2681-570.)

#### **CHANGE OF NAME**

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

#### **§ 142. Omitted**

##### **CODIFICATION**

Section, acts June 29, 1922, ch. 251, §1, 42 Stat. 715; Nov. 5, 1990, Pub. L. 101-520, title III, §307, 104 Stat. 2277; Pub. L. 108-7, div. H, title I, §1208(a), Feb. 20, 2003, 117 Stat. 375, established office of administrative assistant and disbursing officer of Library of Congress which was abolished by section 142a of this title. As amended generally by Pub. L. 108-7, section no longer relates to office of administrative assistant and disbursing officer. See section 141 of this title.

#### **§ 142a. Office of administrative assistant and disbursing officer in Library of Congress abolished; transfer of duties to appointee of Librarian**

From and after June 10, 1928, the office of administrative assistant and disbursing officer of the Library of Congress, created by section 142 of this title, is abolished and thereafter the duties required to be performed by the administrative assistant and disbursing officer shall be performed, under the direction of the Librarian of Congress, by such persons as the Librarian may appoint for those purposes.

(May 11, 1928, ch. 521, 45 Stat. 497; Pub. L. 92-310, title II, §220(h), June 6, 1972, 86 Stat. 205.)

##### **REFERENCES IN TEXT**

Section 142 of this title, referred to in text, was omitted from the Code.

##### **AMENDMENTS**

1972—Pub. L. 92-310 struck out provisions which required the person disbursing appropriations for Library of Congress and Botanic Garden to give a bond in sum of \$30,000.

##### **TRANSFER OF FUNCTIONS**

Disbursement functions of all Government agencies, except Departments of the Army, Navy, and Air Force and Panama Canal transferred to Division of Disbursements, Treasury Department, by Ex. Ord. No. 6166, §4, June 10, 1933, and Ex. Ord. No. 6728, May 29, 1934.

Division subsequently consolidated with other agencies into Fiscal Service in Treasury Department by Reorg. Plan No. III of 1940, §1(a)(1), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231. See section 306 of Title 31, Money and Finance.

#### **§ 142b. Certifying officers of the Library of Congress; accountability; relief by Comptroller General**

On and after June 13, 1957, each officer and employee of the Library of Congress, including the Copyright Office, who has been duly authorized in writing by the Librarian of Congress to certify vouchers for payment from appropriations and funds, shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved; (2) [Repealed]; (3) be held responsible and accountable for the correctness of the computations of certified vouchers; and (4) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a